

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN RE:)	
)	Case No. 16-30917
John Edward Koz)	
Heather Massey Koz)	Chapter 7
)	
Debtors.)	

**EX PARTE MOTION FOR ORDER REOPENING CHAPTER 7 CASE WITHOUT
THE APPOINTMENT OF A TRUSTEE**

The above-captioned debtors, through undersigned counsel, and pursuant to 11 U.S.C. 503(b), move this Court for the entry of an Ex Parte Order Reopening Case in order to accord relief to the debtors. Good cause exists in that the debtors seek the avoidance of a judgment lien on their residence. The judgment lien is in favor of William T. Latham, Individually and derivatively on behalf of Kola Construction, Inc. ("Latham").

This Motion is timely in that the case was closed on January 22, 2019, somewhat more than two years ago. The Latham judgment lien was not avoided prior to the closing of the case. The judgment lien is avoidable under 11 U.S.C. 522(f) (in that it impairs the debtor's exemption in the residence) and 11 U.S.C. 547 (it is preferential in that it was entered 43 days prior to the filing of the bankruptcy case). The debtors do not believe that it is necessary to appoint a Chapter 7 Trustee at this time.

Dated: March 4, 2021.

THE HENDERSON LAW FIRM

/s/James H. Henderson

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the attached **EX PARTE MOTION FOR ORDER REOPENING CHAPTER 7 CASE WITHOUT THE APPOINTMENT OF TRUSTEE to the following** parties via ECF filing:

U. S. Bankruptcy Administrator
[Alexandria P. Kenny@ncwba.uscourts.gov](mailto:Alexandria_P_Kenny@ncwba.uscourts.gov)

A. Burton Shuford, Trustee (former)
bshuford@abshuford.com

And via email to:

William T. Latham
c/o Robert J. Bernhardt, Esq.
Bernhardt & Strawser, PA
5821 Fairview Road, Ste. 100
Charlotte, N.C. 28209
rjb@bernhardtlaw.net

This 4^h day of January, 2021.

THE HENDERSON LAW FIRM

_____/s/ James H. Henderson_____
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